



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING DEPARTMENT HEARING

*Promoting the wise use of land
Helping build great communities*

MEETING DATE July 21, 2006	CONTACT/PHONE Holly Phipps / 781-1162	APPLICANT Audrey L. Hamann	FILE NO. COAL 05-0377 SUB2005-00139
SUBJECT Hearing to consider a request by Audrey L. Hamann for a Lot Line Adjustment to adjust the lot lines between two parcels of 6.01 acres and 5.10 acres. The adjustment will result in two parcels of 5.56 and 5.55 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Agricultural land use category and is located at the southeast intersection of Vista del Paso Road and Highway 41, approximately 2.5 miles west of Creston. The site is in the El Pomar/Estrella planning area.			
RECOMMENDED ACTION Approve Lot Line Adjustment COAL 05-0377 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A General Rule Exemption (ED05-283) was issued on January 10, 2006.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 043-351-002 and 043-351-003	SUPERVISOR DISTRICT(S) 5
PLANNING AREA STANDARDS: None Applicable			
LAND USE ORDINANCE STANDARDS: L.U.O. section 22.22.040 – Subdivision design, agriculture category			
EXISTING USES: Pasture			
SURROUNDING LAND USE CATEGORIES AND USES: North: Highway 41 East: Agriculture/scattered residential dwellings South: Agriculture/scattered residential dwellings and grapes/olive trees West: Agriculture/vineyard			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Ag Commissioner, Cal Trans, RWQCB,	
TOPOGRAPHY: Gently sloping	VEGETATION: Grasslands and scattered coastal oaks
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: December 27, 2005

ORDINANCE COMPLIANCE:

The applicant is proposing to adjust the lot lines between two legal parcels as follows:

EXISTING LOT SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
5.10 acres	5.55 acres
6.01 acres	5.56 acres

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The adjustment will result in the reconfiguration of the two parcels to allow access via Vista del Paso Road. The proposal involves class IV soils that are used for the production of wine grapes, olives, and other crops. The proposed reconfiguration neither increases nor decreases the likelihood of future agricultural production on the project site. The proposed Lot Line Adjustment is equal to the existing configuration relative to potential agricultural production.

Neither parcel involved in the project proposal is large enough to qualify for the Agricultural Preserve Program. In this regard the proposed LLA is equal to the existing configuration.

The Agriculture Department's review of the proposed Hamann Lot Line Adjustment (LLA) finds that the proposed parcels are equal to the existing parcels, with the incorporation of agricultural buffers. The recommended buffer distances are:

- 160 feet on the west side of each property, placing any future residence a minimum of 200 feet from the agricultural operation across Vista del Paso Road
- 50 feet on the southern portion of the south parcel

The buffer distance is measured from the property line and restricts the location of future proposed occupied structures. The buffers do not otherwise restrict the use of the property or the location of non-occupied structures such as barns or other outbuildings. The agricultural buffer will be recorded in an agreement.

The County Department of Agriculture supports lot line adjustments that either improve agriculture or do not adversely impact agricultural potential on parcels involved in the adjustment and surrounding agricultural lands, using the agricultural policies of the Agriculture and Open Space Element of the county General Plan and a review of the potential impacts to agricultural resources. This determination is based on a comparison of the proposed and existing parcels when considering potential long-term impacts to agricultural resources and operations.

SB 497

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Because the parcel sizes are below minimum parcel size (40 acres for irrigated pasture) as set through the General Plan and will remain so after the adjustment, staff has concluded that the adjustment is consistent with both state and local law.

LEGAL LOT STATUS:

The two lots were legally created by deed. APN: 043-351-002 is a legal per deed – 1063 OR 109; APN: 043-351-003 is a legal deed per deed – 396 OR 49.

FINDINGS - EXHIBIT A

- A. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because the adjustment will result in the reconfiguration of the two parcels to allow access for each parcel via Vista del Paso Way. The resulting parcels will maintain an equal to condition of the parcels prior to the approval of the lot line adjustment. According to Section 22.22.040 of the Land Use Ordinance, the minimum parcel size for agriculture land used for pasture is 40 acres. Both the existing parcels are legal nonconforming to the present minimum parcel size. The adjustment will maintain an equal situation relative to the county's ordinances.
- B. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.
- C. Compliance with the attached conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.
- D. The project qualifies for a General Rule Exemption because the proposed lot line adjustment will not increase the development potential and will not have an impact on the environment and sensitive environmental resources. Therefore it can be seen with certainty that the proposed lot line adjustment will not have a significant effect on the environment.

CONDITIONS - EXHIBIT B

1. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance. If a map is filed, it shall show:
 - a. All public utility easements.
 - b. All approved street names.
2. Any private easements described in the title report must be shown on the map, with recording data.
3. When the map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
4. All conditions of approval herein specified are to be complied with prior to the recordation of the map or certificates of compliance which effectuate the adjustment. Recordation of a map is at the option of the applicant. However, if a map is not filed, recordation of a certificate of compliance is mandatory.
5. The map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
6. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.
7. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
8. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.
9. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action
10. All parcels shall be provided with legal access from a public road. Easements or offers of dedication with a minimum width of 20 feet shall be recorded for all parcels that currently do not have access. These shall be shown on a map (if a map is used to final the adjustment) or recorded with the certificates of compliance.

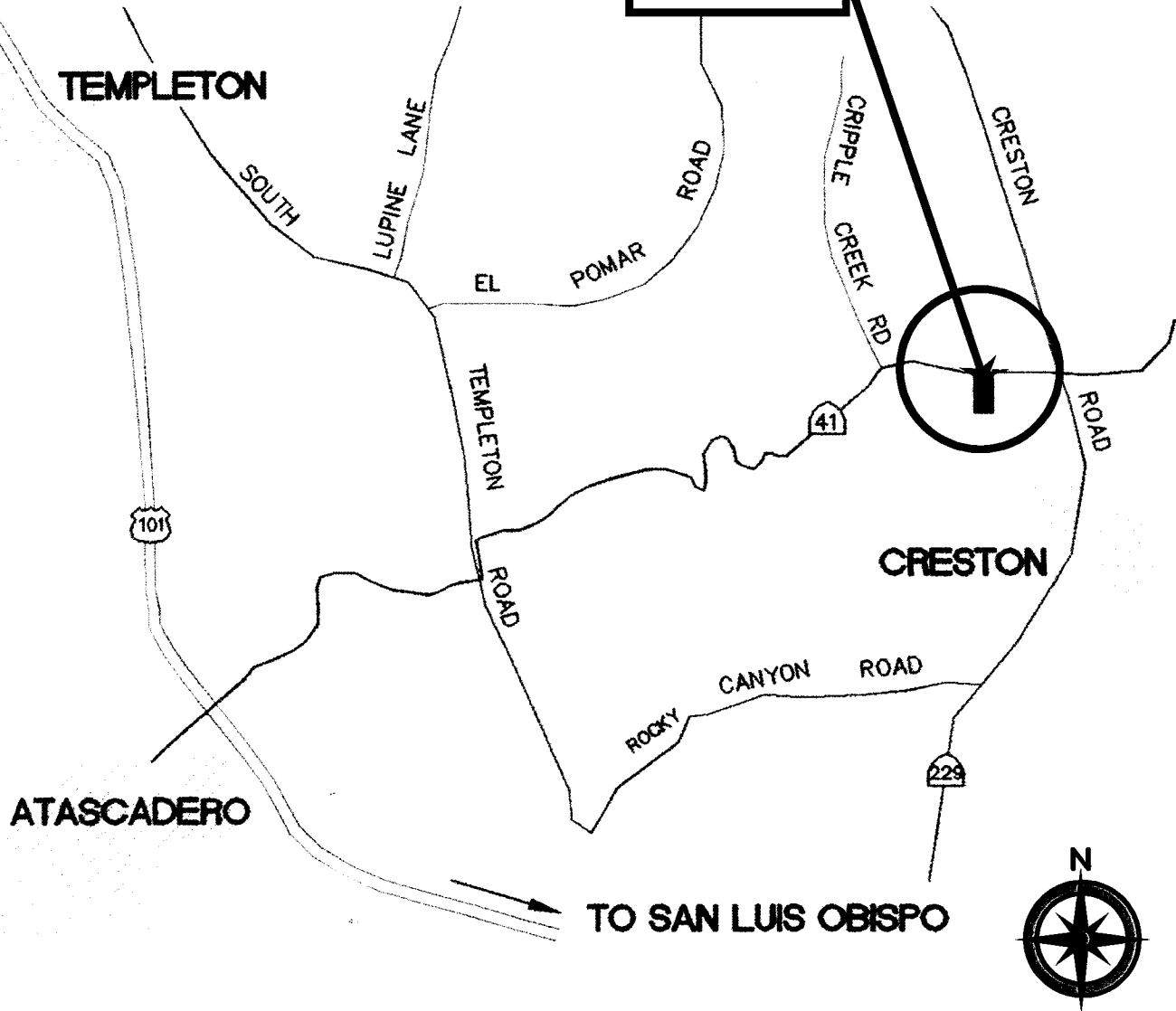
11. Prior to recordation of a parcel map or certificates of compliance finalizing the lot line adjustment, the applicant shall enter into an agreement, in a form approved by County Counsel, which includes the following:

No occupied structures shall be located with the agricultural buffers distances as follows:

- a. 160 feet on the west side of each proposed parcel measured from the property line.
- b. 50 feet on the southern portion of parcel 1 measured from the property line.
- c. Buffer distances shall be measured from the property line and shall restrict the location of future proposed occupied structures. The buffers do not otherwise restrict the use of the property or the location of non-occupied structures such as barns or other outbuildings.
- d. Notification to prospective buyers of the county's right to farm ordinance currently in effect at any time said deed(s) are recorded.
- e. Notification to prospective buyers of the consequences of existing and potential agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.

Staff report prepared by Holly Phipps and reviewed by Kami Griffin.

SITE



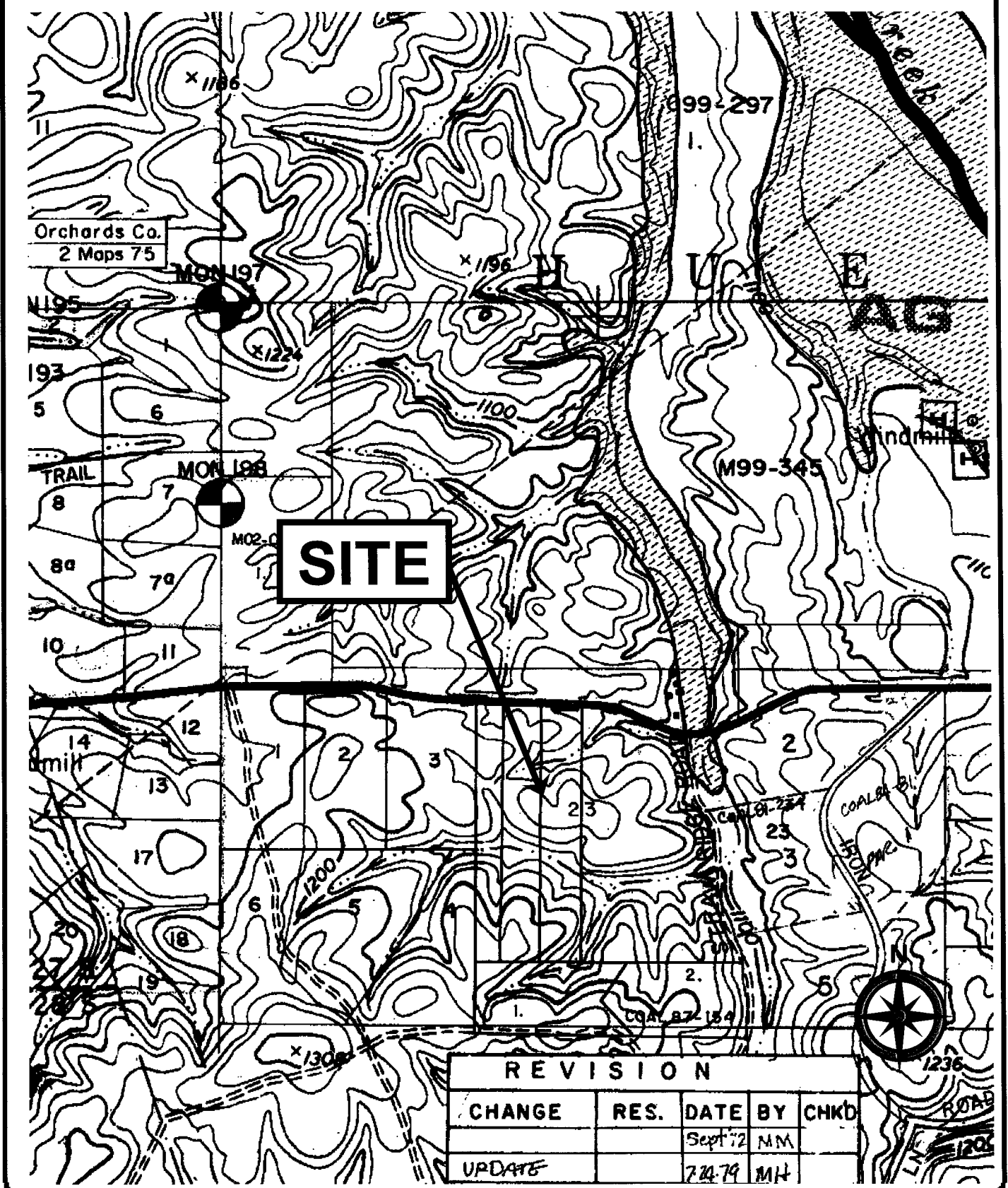
PROJECT

Lot Line Adjustment COAL05-0377
Hamann SUB2005-00139



EXHIBIT

Creston Vicinity



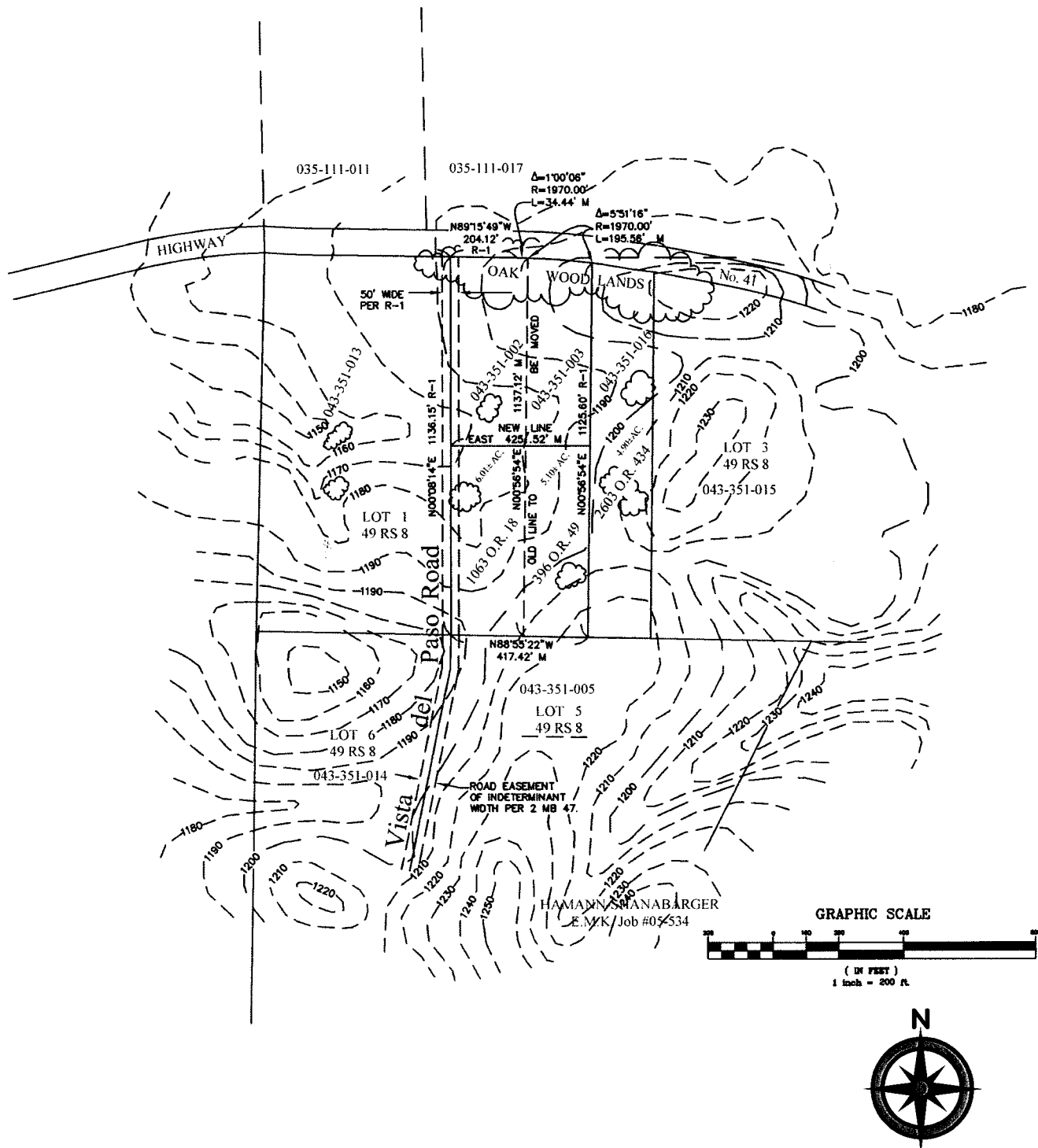
PROJECT

Lot Line Adjustment COAL05-0377
Hamann SUB2005-00139



EXHIBIT

Land Use Category Map



PROJECT

Lot Line Adjustment COAL05-0377
Hamann SUB2005-00139



EXHIBIT

Site Plan



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY
AGRICULTURAL COMMISSIONER/SEALER

(805) 781-5910
FAX (805) 781-1035
AgCommSLO@co.slo.ca.us

DATE: February 8, 2006

TO: Holly Phipps, North County Planning Team

FROM: Michael J. Isensee, Agricultural Department *mqd*

SUBJECT: Hamann Lot Line Adjustment Sub2005-00139 (COAL05-377) Ag Dept #1101

Summary of Findings

The Agriculture Department's review of the proposed Hamann Lot Line Adjustment (LLA) finds that the proposed parcels are equal to the existing parcels and configuration with the incorporation of agricultural buffers. The recommended buffer distances are:

- 160 feet on the west side of each property, placing any future residence a minimum of 200 feet from the agricultural operation across Vista del Paso Road
- 50 feet on the southern portion of the south parcel

The buffer distance should be measured from the property line and should restrict the location of future proposed occupied structures. The buffers do not otherwise restrict the use of the property or the location of non-occupied structures such as barns or other outbuildings. The agricultural buffer should be duly recorded in the chain of title on the subject properties.

The County Department of Agriculture supports lot line adjustments that either improve agriculture or do not adversely impact agricultural potential on parcels involved in the adjustment and surrounding agricultural lands, utilizing the agricultural policies of the Agriculture and Open Space Element of the county General Plan and a review of the potential impacts to agricultural resources. This determination is based on a comparison of the proposed and existing parcels when considering potential long-term impacts to agricultural resources and operations.

Comments and recommendations in this report are based on current departmental objectives to conserve agricultural resources and to provide for public health, safety and welfare, while mitigating negative impacts of development to agriculture.

If you have any additional questions, I can be reached at 781-5753 or misensee@co.slo.ca.us.

INTRODUCTION

The proposal is located on the south side of Highway 41 approximately 1.25 miles east of the Highway 41 intersection with Highway 229. The project is lot line adjustment (LLA) between two parcels, each zoned Agriculture and totaling 11.11 acres (6.01 acres and 5.10 acres). The proposal would move a lot line that currently divides the parcels lengthwise into two parcels that are approximately square in configuration. The parcel sizes are not substantially changed.

According to the project application, the proposed lot line adjustment's purpose is "to make these parcels more usable...and allow each parcel access to Vista del Paso Way." Neither parcel currently is developed with any structure.

AGRICULTURAL RESOURCES

The entire project site consists of the following soil type:

Soil Type	Percent Slope	Irrigated Classification	Nonirrigated Classification
Nacimiento-Los Osos Complex	9-30	IV	IV

The project site and surrounding area is zoned Agriculture. However, there are no commercial agricultural activities on either of the project parcels, and due to their small size, a commercial-scale operation would be extremely unlikely on either property in either its current or proposed configuration.

In the immediate vicinity there is a 13-acre vineyard established to the west of the project site across Vista del Paso Road. A 4-acre vineyard and a 3.75-acre olive orchard are planted on the property to the south, but at some distance from the project proposal. An approximately 4-acre area on the parcel to the south could be intensified in the future.

EVALUATION

The Agriculture Department evaluates lot line adjustments (LLAs) based on several factors, including 1) the configuration of the property lines, 2) the presence of agriculturally productive soils, 3) the eligibility of the resulting parcels for agricultural preserve contracts, and 4) any other issues creating incompatibility with agriculture. For a LLA to be considered equal to or better than the existing configuration, no factor should worsen when compared to the existing configuration.

1. The proposed LLA involves two parcels with limited agricultural capability due to their size. The proposed configuration does not appear to have an agricultural purpose. Therefore, the parcel configuration of the properties has no on-site impact to agricultural resources. The proposal does potentially impact off-site agricultural resources by increasing the potential number of residences that could be constructed in close proximity to existing intensified agricultural operations. However, with adequate agricultural buffers, the proposed LLA can be equal to the existing configuration.
2. The proposal involves class IV soils that are utilized for the production of wine grapes, olives, and other crops. The proposed reconfiguration neither increases nor decreases the

likelihood of future agricultural production on the project site. It is regard the proposed LLA is equal to the existing configuration.

3. Neither parcel involved in the project proposal is large enough to qualify for the Agricultural Preserve Program. In this regard the proposed LLA is equal to the existing configuration.

RECOMMENDED MITIGATION

The Agriculture Department recommends agricultural buffers as an appropriate mitigation measure to ensure the long-term protection of agricultural operations and agricultural resources on adjoining properties, mitigating for the potential increase in residential density in close proximity to adjoining agricultural operations.

The recommended agricultural buffer distances are:

- 160 feet on the west side of each proposed parcel. With the 40-foot Vista del Paso Road right of way, this places any future residential development a minimum of 200 feet from the adjoining vineyard. With the elevation difference between the vineyard and the location of potential residences, this distance should be adequate to ensure compatibility.
- 50 feet on the southern portion of the south parcel. The area to the south of the project primarily is located over a topographic divide with a limited potential interface between agricultural operations and residential development. Thus, the 50-foot distance should be adequate separation for the current grazing use or future intensification.

The buffer distance should be measured from the property line and should restrict the location of future proposed occupied structures. The buffers do not otherwise restrict the use of the property or the location of non-occupied structures such as barns or other outbuildings. The agricultural buffer should be duly recorded in the chain of title on the subject properties.

Future purchasers of these properties can further reduce the possibility of conflict with current or future agricultural uses on adjoining properties by:

- planting vegetation that screens neighboring parcels. The most effective vegetative screens consist of various species of drought tolerant, evergreen, noninvasive plants.
- locating future residences a larger distance from adjoining agricultural production areas.
- utilizing sound-reducing construction methods and/or incorporating mechanical ventilation.

All future purchasers of the project properties should receive the county right to farm ordinance disclosure, as required by Chapter 5.16 of the County Code.



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 12/2/05

TO: File JO MANSON

FROM: ☐ - South County Team ☒ - North County Team ☐ - Coastal Team

PROJECT DESCRIPTION: File Number: COAL05-0377 Applicant: Hamann
LLA -> Convert 2 narrow lots into 2 square lots. 11.11 acres
located off Vista Del Paso Wy., north of Creston.
APN: 043-351-002 & 003
Return this letter with your comments attached no later than: 12/17/05

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☒ YES (Please go on to PART II.)
☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
☒ NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

APN: 043-351-002 is legal per deed - 1063 OR 109
043-351-003 is legal per deed - 396 OR 49.

12-28-05
Date

Jo Manson
Name

x 416100
Phone



6

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 12/2/05

From TO: PW

To FROM: ☐ - South County Team ☒ - North County Team ☐ - Coastal Team

PROJECT DESCRIPTION: File Number: COAL05-0377 Applicant: Hamann
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☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
☒ NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

No Concerns, Recommend Approval

2-24-2006
Date

S. TAYLOR
Name

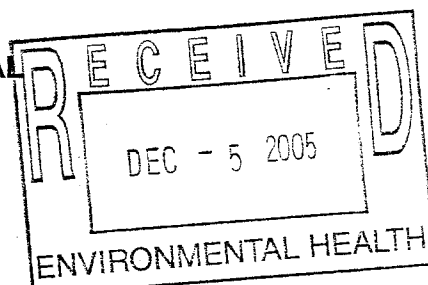
x 2177
Phone



HP
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL



DATE: 12/2/05

TO: Env. Health

FROM: ☐ - South County Team

☒ - North County Team

☐ - Coastal Team

PROJECT DESCRIPTION: File Number: COAL05-0377 Applicant: Hamann
LLA -> Convert 2 narrow lots into 2 square lots. 11.11 acres
located off Vista Del Paso Wy., north of Creston.
APN: 043-351-002 & 003
Return this letter with your comments attached no later than: 12/17/05

PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

☐ YES

(Please go on to PART II.)

☐ NO

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

☐ NO

(Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Since the parcels are vacant and over 2.5 acres this office
has no concerns at this time

12/16/05
Date

Lauri Salo
Name

781-5557
Phone

